

THURSDAY, JUNE 10, 2010

NINETY-FOURTH LEGISLATIVE DAY

CLERK'S NOTATION

The hour of 12:00 midnight on June 10, 2010, having arrived, the Senate commenced the 94th Legislative Day.

NOTICE

MESSAGE FROM THE HOUSE

June 10, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2616. The House lifted the tabling motion to reconsider Senate Bill No. 2616. The House reconsidered and withdrew House Amendments Nos. 15, 14, 13, 12, 11, 10, 9, 8, 6 and 5 and repassed Senate Bill No. 2616, as amended, on third and final consideration.

BURNEY T. DURHAM,
Chief Clerk.

MOTION

Senator Kyle moved that Rule 19 be suspended for the purpose of considering **Senate Bill No. 2616**, next out of order, which motion prevailed.

MESSAGE CALENDAR NO. 1

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2616 -- Taxes, Sales -- As enacted, reduces retail sales tax on food from 5.5 percent to 5 percent for tax year 2011 and thereafter. Amends TCA Title 3; Title 4; Title 5; Title 6; Title 7; Title 8; Title 9; Title 12; Title 16; Title 30; Title 36; Title 39; Title 40; Title 45; Title 47; Title 48; Title 49; Title 55; Title 56; Title 57; Title 61; Title 62; Title 67; Title 68; Title 69; Title 70 and Title 71.

HOUSE AMENDMENT NO. 7

AMEND by adding the following new sections immediately preceding the severability clause and by renumbering the subsequent sections accordingly:

SECTION _____. Tennessee Code Annotated, Title 12, Chapter 3, Part 8, is amended by adding the following language as a new, appropriately designated section:

Section 12-3-8____.

(a) There is created the governor's office of diversity business enterprises to administer the provisions of this part. All positions, resources and functions of the governor's office of diversity business enterprises existing within the Department of General Services shall be transferred to the procurement office on October 1, 2011.

(b) The office of diversity business enterprises shall assist small businesses and businesses owned by minorities and women to develop into viable, successful businesses. This work shall include assisting these businesses to compete successfully for the State of Tennessee's expenditures for goods and services.

(c) Each state agency shall designate a staff person as a small business liaison representative to the governor's office of diversity business enterprises to coordinate the agency's efforts to utilize Tennessee small businesses and diversity business enterprises in their procurement and contracting opportunities.

SECTION __. Tennessee Code Annotated, Section 12-3-802, is amended by deleting subdivision (6) in its entirety.

SECTION __. Tennessee Code Annotated, Section 12-3-802, is amended by adding the following language as a new, appropriately designated subdivision:

() "Tennessee small business" means a business that is a continuing, independent, for profit business which performs a commercially useful function with residence in Tennessee and has total gross receipts of no more than ten million dollars (\$10,000,000) averaged over a three-year period and employs no more than thirty (30) persons on a full-time basis;

SECTION __. Tennessee Code Annotated, Section 12-3-803, is amended by deleting the current language in its entirety and by substituting instead the following:

Section 12-3-803.

(a) The board of standards is authorized to adopt rules and regulations establishing criteria and standards for minority owned, woman owned and Tennessee small businesses that are eligible to be included under this part. Such rules and regulations shall include methods by which eligibility can be verified and the business deemed certified.

(b) Such criteria and standards for eligibility shall include, but not be limited to, the number of employees, the total gross receipts or annual sales volume, including ownership and control.

(c) The maximum number of employees and the maximum dollar value of a small business under such rules and regulations may vary from industry to industry to the extent necessary to reflect the differing characteristics of any relevant factors of each particular industry.

(d) The governor's office of diversity business enterprises shall implement and administer a certification program and publish a directory of businesses certified as Tennessee small businesses and diversity business enterprises.

(e) Any business desiring to be certified as a Tennessee small business or diversity business enterprise shall make application to the governor's office of diversity business enterprises on an application as prescribed by such office.

SECTION _____. After appointment of the chief procurement officer, such officer, in consultation with the Department of General Services and the Department of Economic and Community Development, shall study opportunities available to Tennessee small businesses and diversity business enterprises in state contracting and the potential effect of enhancing such opportunities through utilization of monetary allowances. It is the legislative intent that such study shall, insofar as possible, assess the impact on Tennessee small businesses and diversity business enterprises that would have occurred if monetary allowances of varying amounts had been available. Further, it is the legislative intent that such study shall estimate the costs to the state that would have resulted from such monetary allowances.

SECTION _____. The provisions of this section shall take effect on October 2, 2011, the public welfare requiring it. Tennessee Code Annotated, Title 4, Chapter 56, Part 1, as amended by Chapter _____ of the Public Acts of 2010 (House Bill No. 3353/Senate Bill No. 3598), is amended by deleting the following language:

§ 4-56-107. The comptroller of the treasury is authorized to examine and approve all procurements, contracts, grants and other documents that serve to incur financial obligations against state government. This authority to approve shall be developed in consultation with the chief procurement officer and set forth in procurement and contract policies, standards, rules, regulations, procedures and guidelines approved by the commission.

and by substituting instead the following new language:

§ 4-56-107. Without limitation of the audit authority of the comptroller of the treasury, the comptroller is authorized to examine any procurement contract, grant or other documents. Pursuant to procurement and contract policies, standards, rules, regulations, procedures and guidelines approved by the commission, the comptroller of the treasury is authorized to approve procurements, contracts, grants and other documents that serve to incur financial obligations against state government.

SECTION _____. The small business advocate within the office of the comptroller of the treasury shall be qualified by training or relevant and recent experience in administering programs to encourage and enhance economic opportunities for small, woman owned and minority owned businesses. At least annually, the advocate shall attend training or other specialized instruction to enhance understanding of the particular obstacles impeding woman owned and minority owned businesses from normal entry into the economic mainstream. Such training shall be provided by the governor's office of diversity business enterprises in the normal course of business as part of the regular training program for state agencies. When the advocate position is filled by reassigning a current employee, such employee shall receive the requisite training prior to assuming the advocate duties.

Senator Kyle moved that the Senate concur in House Amendment No. 7 to **Senate Bill No. 2616**, which motion prevailed by the following vote:

Ayes	29
Noes	0
Present, not voting . . .	2

Senators voting aye were: Barnes, Berke, Black, Bunch, Burchett, Burks, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Watson, Woodson, Yager and Mr. Speaker Ramsey--29.

Senators present and not voting were: Beavers and Tracy--2.

A motion to reconsider was tabled.

NOTICE

MESSAGE FROM THE HOUSE

June 10, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 1411, adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

MOTION

Senator Norris moved that a committee be appointed by the Speaker to notify the House that the Senate had completed its business and was ready to adjourn, which motion prevailed.

Senator Norris moved that a committee be appointed by the Speaker to notify the Governor that the Senate had completed its business and was ready to adjourn, which motion prevailed.

APPOINTMENT OF SELECT COMMITTEES

The Speaker announced the appointments of Senators Bunch and Burchett, Chairpersons; Black, Haynes, Henry and Stewart to notify the House that the Senate had completed its business and was ready to adjourn.

The Speaker announced the appointments of Senators McNally, Chairperson; Berke, Burks, Harper, Tracy and Woodson to notify the Governor that the Senate had completed its business and was ready to adjourn.

RECESS

The Senate stood in recess pending the Reports from the two committees.

CALL TO ORDER

The Senate was called to order by Mr. Speaker Ramsey.

ROLL CALL

The Speaker declared that a quorum was present.

On motion, the roll call was dispensed with.

REPORT OF SELECT COMMITTEES

Senators Bunch and Burchett advised the Senate that the House had been notified that the Senate had completed its business and was ready to adjourn.

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Senator McNally advised the Senate that the Governor had been notified that the Senate had completed its business and was ready to adjourn.

MESSAGE FROM THE HOUSE

June 10, 2010

MR. SPEAKER: I am directed by the House to notify the Senate that the House has completed its business and is ready to adjourn sine die in accordance with House Joint Resolution No. 1411.

BURNEY T. DURHAM,
Chief Clerk.

MOTION

Senator Norris moved that Rule 37 be suspended for the immediate consideration of **House Joint Resolution No. 1411**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 1411 -- General Assembly, Adjournment -- Adjourns sine die 106th General Assembly at close of business in both houses on June 10, 2010.

On motion of Senator Norris, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 1411** was concurred in by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

MESSAGE FROM THE HOUSE

June 10, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3901. The House lifted the tabling motion to reconsider Senate Bill No. 3901. The House reconsidered Senate Bill No. 3901. The House reconsidered and withdrew House Amendments Nos. 2 and 3 and repassed Senate Bill No. 3901 on third and final consideration.

BURNEY T. DURHAM,
Chief Clerk.

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MESSAGE FROM THE HOUSE

June 10, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 1234, concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

ENROLLED BILLS

June 10, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolution No. 1312, and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

June 10, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 670, 1184, 1869, 2454, 2455, 2456, 2474, 2510, 2625, 2765, 2781, 2978, 2989, 3069, 3136, 3169, 3376, 3446 and 3753; for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

June 10, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 851, 1041, 1305, 1382, 1394, 1399, 1403, 1404, 1406, 1407, 1408, 1409 and 1410; for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

SIGNED

June 10, 2010

The Speaker announced that he had signed the following: Senate Joint Resolution No. 1312.

SIGNED

June 10, 2010

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 851, 1041, 1305, 1382, 1394, 1399, 1403, 1404, 1406, 1407, 1408, 1409 and 1410.

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MESSAGE FROM THE HOUSE

June 10, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 1312, signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MOTION

Senator Norris moved that pursuant to Public Chapter 169 of the Acts of 2009, the Clerk be authorized to publish in the Senate Journal the names of all the Tennesseans who were members of the Armed Services who died in the line of duty from 2001-2010, which motion prevailed.

MOTION TO APPROVE THE JOURNAL

Senator Norris moved that the Senate Journal of the proceedings from the First Extraordinary Day through the Tenth Extraordinary Day, and the Forty-Seventh Legislative Day through the Ninety-Fourth Legislative Day of the Second Regular Session of the One Hundred Sixth General Assembly be approved, which motion prevailed.

ADJOURNMENT

Thereupon, in accordance with **House Joint Resolution No. 1411**, Mr. Speaker Ramsey declared the Senate of the Second Regular Session of the One Hundred Sixth General Assembly adjourned sine die.

Ron Ramsey
Speaker of the Senate

Attest: Russell A. Humphrey
Chief Clerk of the Senate

All bills and joint resolutions presented to the Governor subsequent to May 28, 2010, for his actions, being within ten days of the adjournment of the Second Regular Session of the One Hundred Sixth General Assembly, prevents the return of said bills to the Senate within the ten-day period. Accordingly, the final action taken by the Governor will be filed by him in the Secretary of State's Office, all in compliance with Article III, Section 18, relating to the Governor's Veto Power of the Constitution of Tennessee.

**RESOLUTIONS ENROLLED, SIGNED AND TRANSMITTED
TO GOVERNOR SUBSEQUENT TO ADJOURNMENT**

ENROLLED BILLS

June 11, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Resolutions Nos. 234, 235, 236, 237 and 238; and find same correctly enrolled and ready for the signature of the Speaker.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

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SIGNED

June 11, 2010

The Speaker announced that he had signed the following: Senate Resolutions Nos. 234, 235, 236, 237 and 238.

MESSAGE FROM THE GOVERNOR

June 11, 2010

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: Senate Bills Nos. 852, 1916, 2835, 2943, 3333, 3687 and 3907; with his approval.

STEVEN E. ELKINS,
Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

June 11, 2010

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: Senate Bills Nos. 2411, 3222 and 3474; with his approval.

STEVEN E. ELKINS,
Counsel to the Governor.

ENROLLED BILLS

June 14, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bills Nos. 231, 274, 440, 2465, 2616, 2621, 2785, 2870, 2882, 3052, 3125, 3219, 3427, 3495, 3536, 3538, 3591, 3804 and 3901; and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

ENROLLED BILLS

June 14, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolutions Nos. 1182, 1183, 1234, 1278, 1280, 1281, 1285, 1286, 1287, 1288, 1289, 1294, 1295, 1296, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1308, 1309, 1310 and 1311; and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

SIGNED

June 14, 2010

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 1182, 1183, 1234, 1278, 1280, 1281, 1285, 1286, 1287, 1288, 1289, 1294, 1295, 1296, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1308, 1309, 1310 and 1311.

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MESSAGE FROM THE HOUSE

June 14, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 1182, 1183, 1234, 1278, 1280, 1281, 1285, 1286, 1287, 1288, 1289, 1294, 1295, 1296, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1308, 1309, 1310 and 1311; signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

June 14, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bill No. 3919, for his action.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

REPORT OF CHIEF ENGROSSING CLERK

June 14, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 1182, 1183, 1234, 1278, 1280, 1281, 1285, 1286, 1287, 1288, 1289, 1294, 1295, 1296, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1308, 1309, 1310 and 1311; for his action.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

REPORT OF CHIEF ENGROSSING CLERK

June 14, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolution No. 1312, for his action.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

June 15, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 1411, for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

SIGNED

June 15, 2010

The Speaker announced that he had signed the following: House Joint Resolution No. 1411.

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SIGNED

June 16, 2010

The Speaker announced that he had signed the following: Senate Bills Nos. 231, 274, 440, 2465, 2616, 2621, 2785, 2870, 2882, 3052, 3125, 3219, 3427, 3495, 3536, 3538, 3591, 3804 and 3901.

SIGNED

June 16, 2010

The Speaker announced that he had signed the following: House Bills Nos. 670, 1184, 1869, 2454, 2455, 2456, 2474, 2510, 2625, 2765, 2781, 2978, 2989, 3069, 3136, 3169, 3376, 3446 and 3753.

MESSAGE FROM THE GOVERNOR

June 21, 2010

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: Senate Joint Resolutions Nos. 1182, 1183, 1234, 1278, 1280, 1281, 1285, 1286, 1287, 1288, 1289, 1294, 1295, 1296, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1308, 1309, 1310, 1311 and 1312; with his approval.

STEVEN E. ELKINS,
Counsel to the Governor.

MESSAGE FROM THE HOUSE

June 22, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 231, 274, 440, 2465, 2616, 2621, 2785, 2870, 2882, 3052, 3125, 3219, 3427, 3495, 3536, 3538, 3591, 3804 and 3901; signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

June 22, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 900, 2041, 2684, 2724, 2746, 2775, 2899, 3034, 3049, 3092, 3110, 3290, 3385, 3415, 3428, 3484, 3513, 3551, 3602, 3847, 3916 and 3917; signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

June 23, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 231, 274, 440, 900, 2041, 2465, 2616, 2621, 2684, 2724, 2746, 2775, 2785, 2870, 2882, 2899, 3034, 3049, 3052, 3092, 3110, 3125, 3219, 3290, 3385,

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3415, 3427, 3428, 3484, 3495, 3513, 3536, 3538, 3551, 3591, 3602, 3804, 3847, 3901, 3916 and 3917; for his action.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

June 24, 2010

The Honorable Tre Hargett
Secretary of State
Nashville, Tennessee 37243

Dear Mr. Secretary of State:

An error has been discovered in Senate Bill No. 1916/House Bill No. 1420 (assigned Public Chapter 1032).

As such, please let this letter serve as notice that Public Chapter 1032 is suspect and we hereby request that action be taken on this matter. A reenrolled, corrected version will be forwarded to your office following signatures from the respective Speakers and the Governor.

With best wishes, I remain

Yours truly,

/s/ M. Scott Sloan
Chief Engrossing Clerk of the Senate

ENROLLED BILLS

June 24, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bill No. 1916, and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

June 25, 2010

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: Senate Bills Nos. 3916, 3917 and 3919; with his approval.

STEVEN E. ELKINS,
Counsel to the Governor.

SIGNED

June 28, 2010

The Speaker announced that he had signed the following: Senate Bill No. 1916.

THURSDAY, JUNE 10, 2010 -- 94TH LEGISLATIVE DAY

MESSAGE FROM THE GOVERNOR

June 28, 2010

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: Senate Bill No. 3847, with his approval.

STEVEN E. ELKINS,
Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

June 29, 2010

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: Senate Bills Nos. 231, 440, 900, 2041, 2465, 2746, 2882, 3034, 3092, 3110, 3219, 3385, 3415, 3427, 3428, 3484, 3495, 3538 and 3804; with his approval.

STEVEN E. ELKINS,
Counsel to the Governor.

MESSAGE FROM THE HOUSE

June 30, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1916, signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

June 30, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bill No. 1916, for his action.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

June 30, 2010

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: Senate Bills Nos. 274, 1916, 2616, 2621, 2684, 2724, 2775, 2785, 2899, 3049, 3052, 3125, 3290, 3513, 3536, 3551, 3591, 3602 and 3901; with his approval.

STEVEN E. ELKINS,
Counsel to the Governor.

THURSDAY, JUNE 10, 2010 -- 94TH LEGISLATIVE DAY

MESSAGE FROM THE GOVERNOR

July 8, 2010

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: Senate Bill No. 2870, without his signature.

STEVEN E. ELKINS,
Counsel to the Governor.

July 8, 2010

The Honorable Tre Hargett
Secretary of State
State Capitol Building, First Floor
Nashville, TN 37243

Dear Mr. Secretary of State:

The Governor received Senate Bill No. 2870 on June 23, 2010, and returned the bill July 8, 2010, without his signature.

As the Governor had the bill in his possession longer than ten (10) days, as provided for in Article III, Section 18 of the Constitution of the State of Tennessee, Senate Bill No. 2870 becomes law without the Governor's signature.

With best wishes, I remain

Yours truly,

/s/ M. Scott Sloan, Esq.
Chief Engrossing Clerk of the Senate